



USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC # \_\_\_\_\_  
DATE FILED: 10/19/2015

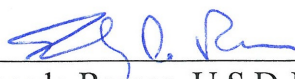
Michael H. Bernstein  
212.898.4011  
michael.bernstein@sedgwicklaw.com

October 19, 2015

*Via E-mail*

Hon. Edgardo Ramos  
United States District Judge  
United States District Court For The  
Southern District of New York  
Thurgood Marshall  
United States Courthouse  
40 Foley Square, Courtroom 619  
New York, NY 10007

The application is ☒ granted  
\_\_\_\_\_ denied

  
\_\_\_\_\_  
Edgardo Ramos, U.S.D.J.  
Dated: 10/19/2015  
New York, New York

Re: *Mbody Minimally Invasive Surgery, P.C. v. UnitedHealthCare Insurance Company, et al.*  
Civ. Act. No. 14-cv-2495  
File No. 03246-000239

Dear Judge Ramos:

This office represents Defendants in the above-referenced action. In accord with the Your Honor's Order issued October 8, 2015 (Doc. No. 34), we submit this joint letter with consent and on behalf of all parties to advise the Court of the status of the case after mediation.

In their letter dated December 8, 2014, Defendants had requested a pre-motion conference to set a briefing schedule for their proposed motion to dismiss the Amended Complaint. (Doc. No. 23). At the conference held on December 31, 2014, the Court granted Defendants leave to file their proposed motion to dismiss and agreed to stay the motion briefing if the parties agreed to mediate this matter. (Doc. No. 28). Over the next few months, the parties engaged in good faith negotiations with a court-appointed mediator. However, the matter could not be resolved at mediation, despite the parties' best efforts to do so. The parties agreed that they will continue to discuss settlement but see no reason that these discussion must be done with the mediator or require any further delay in the litigation of this case. Now that the case has been returned to the Court, Defendants intend to file their proposed motion to dismiss.

Counsel for the parties have discussed a briefing schedule for this motion and have agreed to the following proposal:

Description	Date
Last day for Defendants to file motion to dismiss	December 11, 2015

Hon. Edgardo Ramos, U.S.D.J.

Re: Mbody Minimally Invasive Surgery, P.C. v. UnitedHealthCare Insurance Company, et al.

October 19, 2015

Page 2

Description	Date
Last day for Plaintiffs to file opposition to motion to dismiss	January 15, 2016
Last day for Defendants to file reply on motion to dismiss	January 29, 2016

Thank you for your consideration of this matter.

Respectfully submitted,



Michael H. Bernstein  
Sedgwick LLP

MHB/JTS

cc: Anthony F. Maul, Esq.  
D. Brian Hufford, Esq.